

A.D. 4.4, Access to Inmate Information

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1. Policy. Access to inmate information produced, gathered, and stored by the Department of Correction may be granted in accordance with policies, laws and regulations regarding the confidentiality of such information.
2. Authority and Reference.
 - A. Connecticut General Statutes, Sections 1-19, 1-20b, 18-81, 19a-565, 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b, 53a-73a and Record of Arrest as Public Record 54-142a through 54-142p.
 - B. Connecticut General Statutes, Chapter 899.
 - C. CFR, Title 42.
 - D. "Communications Terminal User's Agreement," between the Connecticut Department of Public Safety and the Department of Correction, 1989.
 - E. American Correctional Association, Standards for Adult Correctional Institutions, Third Edition, January 1990, Standards 3-4020, 3-4068, 3-4092, 3-4095, 3-4096, 3-4098 and 3-4099.
 - F. American Correctional Association, Standards for Adult Local Detention Facilities, Third Edition, March 1991, Standards 3-ALDF-1C-24, 3-ALDF-1E-01, 3-ALDF-1E-05, 3-ALDF-1E-06, 3-ALDF-1F-02 and 3-ALDF-1F-03.
 - G. American Correctional Association, Standards for the Administration of Correctional Agencies, Second Edition, April 1993, Standards 2-CO-1E-06 through 2-CO-1E 08, 2-CO-1F-01, 2-CO-1F-06 and 2-CO-1F-07.
 - H. Administrative Directives 1.4, Cooperation with Community and Governmental Organizations; 1.7, Research; 3.10, Fees, Reimbursements and Donations; 4.3, Court Processes; and 8.11, Human Immunodeficiency Virus Infection.
3. Definitions. For the purposes stated therein, the following definitions apply:
 - A. Conviction Information. Criminal history record information which has not been erased, as provided in Connecticut General Statutes, Section 54-142g, and which discloses that a person has pleaded guilty or nolo contendere to, or was convicted of, any criminal offense, and the terms of the sentence.
 - B. Criminal History Record Information. Court records and information compiled by criminal justice agencies for purposes of identifying an inmate and of maintaining notations of arrests, releases, detentions, including pleas, trials, sentences, appeals, incarcerations, correctional supervision (classification, disciplinary history, etc.), paroles and releases; but not including intelligence, presentence investigation, investigative information.
 - C. Criminal Justice Agency. Any court with criminal jurisdiction, the Department of Correction, Department of Public Safety, the Department of Motor Vehicles, or any other governmental agency created by statute which is authorized by law and engages, in fact, as its principal function in activities constituting the administration of criminal justice; including, but not limited to organized municipal police departments, the Office of Adult

Probation, Office of Policy and Management, State's Attorneys, Deputy Assistant State's Attorneys, Parole Board, Pardon Board, Bail Commissioners and Chief Medical Examiner.

- D. Current Offender Information. Information on the current status and location of any person who: (1) is arrested or summoned to appear in court; (2) is being prosecuted for any criminal offense in superior court; (3) has an appeal pending for any criminal conviction; and (4) is detained or incarcerated in any correctional facility in this state, including any person transferred to other states for incarceration or supervision and including location, jurisdiction, location, entry type, and date of entry to current location.
 - E. Direct Access. The obtaining of information without any other individual participating in the retrieval of the information.
 - F. Disclosure. The communication of information to any person by any means.
 - G. Inmate Personal Data. Information which pertains to the inmate, which is not included in the above types of inmate information including previous employment, veteran status, emergency contact, education, finances, medical or psychiatric history, family and personal relationships.
 - H. Non-Conviction Information. Criminal history record information that has been deleted as provided by law; information relating to any person granted youthful offender status; and continuances which are more than 13 months old.
4. Direct Access. Direct access shall be available only for criminal justice purposes and only to the extent necessary for the performance of duty. The Unit Administrator of each Department site shall insure that any person having direct access to information is trained in the responsibilities of gathering, viewing or updating information; requires such access for the proper performance of the person's duties; and has agreed not to disclose the information to recipients who are ineligible to receive it. No inmate shall have direct access to any equipment providing automated offender information of any type.
5. Disclosure to an Inmate. The following guidelines shall be observed regarding the disclosure of information to an inmate. Any questions regarding the authorization to disclose particular information shall be forwarded to the Unit Administrator.
- A. File Access. An inmate may view their own master file by submitting a request to their counselor. An inmate's attorney/attorney representative, upon providing satisfactory verification of identity to the appropriate staff member(s), may view the inmate's master file upon the inmate's submission of a signed Release of Information form, CN 4401, to the Unit Administrator. The inmate's master file shall be reviewed by a staff member for unavailable material, in accordance with Section 5(B) below, prior to granting any request for access. Such material shall be temporarily removed from the file until the requested access is completed. Each Unit Administrator will determine a time and place during normal business hours where this review may take place and designate staff who will remain in the area during the review and ensure that no material is removed from the inmate master file. The inmate or the inmate's attorney may

view Criminal History Information, Current Offender Information, Inmate Personal Data, or Non-Conviction Information contained in the master file. This information may include, mittimus, classification actions, program reports and evaluations, time sheets, disciplinary reports and work reports.

- B. Unavailable Material. The inmate shall not have access to any documents or reports which would breach a legally confidential relationship or jeopardizes the safety of the public, staff or any inmate, or jeopardizes the security or orderly operation of the facility, or for which non-disclosure is otherwise authorized or required.
- C. Copies. An inmate may receive copies of any available information. Inmates receiving copies of available information shall be charged fees in accordance with Administrative Directive 3.10, Fees, Reimbursements and Donations.
- D. Medical and Psychiatric Information. Medical and psychiatric information shall be included in Inmate Personal Data. An inmate request for release of such information shall be reviewed by the local Health Services Unit to determine if the information jeopardizes the safety of the individual or other. If disclosure is refused, the Health Services unit shall inform the inmate of the reason for the refusal and the avenue of appeal.
 - 1. Third Party Health Records. The contract provider's health services staff shall ensure that an inmate request for a part of the health record that has been created by providers other than Department of Correction staff is specified on the Authorization for Release of Information form.
 - 2. Inmates Under 18 Years of Age. Written authorization, signed by an authorized representative, shall be required for the release of the health record of an inmate under 18 years of age with the exception of Section 8(D) (3) below.
 - 3. HIV Testing Information Regarding Inmates Under 18 Years of Age. An inmate, who is under the age of 18 years old, and has requested testing, examination or treatment for HIV and has requested that the inmate's parent or guardian not be informed, and the physician believes that the inmate would not submit to testing, examination or treatment if the parent or guardian were informed, and the physician has documented such in the health record, a minor shall have the right to authorize the release of only that personal health information which is related to testing for HIV infection or to the examination and/or treatment for HIV infection.
- E. Disclosure to Warden/Unit Administrator. The responsible contract provider's health authority(s) shall provide the Warden with relevant information concerning an inmate's medical and mental health management, security and ability to participate in programs. When an inmate suffers from a health condition that may result in a medical or mental health crisis, or risk of disease transmission to another, the responsible contract provider's health authority shall inform the Warden. The appropriate contract provider's health authority may have access to the confinement record if the contract provider's health authority believes such information may be relevant to the inmate's health or course of treatment.

- F. Disclosure to Classification Personnel. Inmate health information provided by the contract provider's health care staff to classification personnel or classification systems shall be limited to the identification of restrictions required by the inmate's health condition and shall not include disclosure of health information specific to the inmate.
- G. Disclosure to the Commissioner. The Commissioner of the Department of Correction and the Commissioner's legal Agency representatives, including the Attorney General's Office, shall have access to all available records as necessary for the performance of the Commissioner's duties, including the defense of the agency, in accordance with the law.
- H. Additional Disclosure. Disclosure of HIV related information shall only be made as outlined in Administrative Directive 8.11, Human Immunodeficiency Virus Infection.

The Authorization for Release of Information form, CN 4401, containing the signature of the inmate or the inmate's authorized representative, shall be required prior to disclosure of an inmate's specifically designated health information to a named person or institution by the contract provider's health care staff.

- I. Inmate Workers. An inmate shall not have any access to a health record except the inmate's own health record as outlined in this Directive. The contract provider's health care staff shall provide direct, close supervision of an inmate assigned to work in close proximity to health records.
 - J. Corrections. An inmate believing that information created by the Department of Correction is in error, or illegal to maintain, may request the Unit Administrator, in writing, to have that information corrected. The Unit Administrator should consult with the Director of Offender Classification and Population Management prior to making a decision. Upon a determination of the inmate's claim, the Unit Administrator shall either correct or leave untouched the inmate's information. However, the original error may be corrected but shall not be erased. Information created by other departments or agencies and supplied to the Department of Correction, may only be corrected by the department or agency responsible for creating that information, e.g., the Office of Adult Probation, State Police, local police, FBI, etc.
6. Public Disclosure. The following guidelines shall be observed regarding the disclosure of information to the public. Any questions regarding the authorization to disclose particular information shall be forwarded to the Central Records Unit.
- A. Conviction Information. The public, including the press, may be allowed to receive Conviction Information.
 - B. Arrest Information. The public, including the press, may be allowed to receive arrest information regarding any person other than a juvenile. Information contained on the RT80 screen, Public Information Disclosure, with the exception of non-conviction information, may be disclosed.
 - C. Additional Information. A request for any additional information shall be referred to the Unit Administrator who shall review and

consult with the Department's Public Information Officer to determine if that information may be released to the requestor and if the inmate's authorization is necessary. If necessary, an inmate may authorize the release of information utilizing Release of Information form, CN 4401, which shall be maintained as a permanent part of the inmate's master file.

7. Disclosure to Other Criminal Justice Agencies. Criminal History Record Information, Current Offender Information, and Inmate Personal Data shall be available to other criminal justice agencies for: (1) screening applicants for employment; (2) commencement of prosecution, determination of pretrial or post-trial release or detention, the adjudication of criminal proceedings, or the preparation of a presentence report; (3) supervision by a criminal justice agency of an individual who has been committed to the custody of that agency; (4) the investigation of an individual who has already been arrested or detained; (5) the development of investigative leads for particular criminal offenses, if access is limited to criminal justice officials with both a need to know and a right to have access to such information; (6) the alerting of an official or employee of a criminal justice agency that a particular individual may present a danger to that person's safety or for similar essential purposes; or (7) such other legitimate criminal justice purposes as the Commissioner deems appropriate.
8. Disclosure to Non-Criminal Justice Government Agencies and Elected or Appointed Public Officials. An employee of Non-Criminal Justice government agencies and elected or appointed public officials may have access to any available information providing it does not violate any policy, regulation or law, and it does not jeopardize the safety of the public, staff or inmate or the security of the facility. Any staff member receiving a request for inmate information from one of these sources must report that request to the Unit Administrator as per Administrative Directive 1.4, Cooperation with Community and Government Organizations.
9. Disclosure for Research. Any inmate information except Non-Conviction Information, Intelligence Information and Investigation Information, can be made available to qualified persons and organizations for research, evaluative and statistical purposes. Such persons or organizations shall be granted access under the provisions of Administrative Directive 1.7, Research. Whenever such information is made available, the identification component of the information shall be deleted.
10. Security.
 - A. Manually Stored Information. Access to manually stored information shall be restricted as per Section 4 of this Directive. All such active information shall be secured in a room designated for that purpose. Only staff authorized by the Unit Administrator shall be allowed access to that designated area.
 - B. Computer Terminals. All computer terminals providing any inmate information, and associated peripherals, such as a printer, shall be maintained in a secure area. Only Correction employees, other authorized criminal justice agency employees, and authorized volunteers trained in the operation of the appropriate equipment may have access to and use these systems. No inmate shall be

allowed to use any computer terminal providing access to inmate information.

- C. Use of Passwords. A password or other security procedures to limit access to persons on a need to know basis shall be used to protect information.
11. Audits. The Offender Classification and Population Management unit shall conduct periodic audits of collected information by checking manual or computer entries to make certain that provided information is both accurate and complete.
12. Training. Whenever an employee is hired or promoted into a position which allows direct access to any inmate information, the Unit Administrator shall ensure the employee is specifically trained in the various categories of information the employee is required to access.
13. Fees. The Department may recover the reasonable costs of producing information in accordance with Administrative Directive 3.10, Fees, Reimbursements and Donations.
14. Exceptions. Any exception to the procedures in this Administrative Directive shall require prior written approval from the Commissioner.